

providing to the patient a combination of a medication and a detectable marker, the combination to be taken by the patient as a result of the patient's own actions,

obtaining a sample of the patient's gaseous exhaled breath; and

analyzing the sample of the patient's breath to confirm the presence or absence of said marker in the patient's breath as an indication of patient compliance or non-compliance in taking the medication; wherein the medication is to be taken by volitional patient action at specified times.

Q1

Claim 4 (amended):

Q2

The method of claim 3 wherein the sample of the patient's breath is analyzed to confirm the presence of said marker by sensor technology selected from semiconductor gas sensor technology, conductive polymer gas sensor technology, or surface acoustic wave gas sensor technology.

Q3

Claim 7 (amended):

The method of claim 1 wherein the sample of the patient's breath is analyzed to confirm the presence of said marker by a spectrophotometer.

Q4

Claim 8 (amended):

The method of claim 1 wherein the sample of the patient's breath is analyzed to confirm the presence of said marker by mass spectrometer.

Q5

Claim 16 (amended):

The method of claim 1 further comprising the step of recording data resulting from analysis of the sample of the patient's breath.

Q6

Claim 17 (amended):

The method of claim 1 further comprising the step of transmitting data resulting from the analysis of the sample of the patient's breath.

Claim 18 (amended):

OK
The method of claim 1 where the analysis of the sample of the patient's breath includes comparing the marker sensed in the sample of the patient's breath with a predetermined signature profile of a specific marker.

Claim 21 (amended):

OK
The method of claim 1 further comprising the step of capturing the sample of the patient's breath in a vessel prior to analysis.

Claim 22 (amended):

The method of claim 1 further comprising the step of dehumidifying the sample of the patient's breath prior to analysis.

Claim 26 (amended):

All
The method of claim 1 wherein the data resulting from analysis of the sample of the patient's breath includes marker concentration and, thus, medication concentration.

Claim 31 (amended):

OK
A method of producing medication which is detectable as an indication of patient compliance in taking the medication comprising the steps of:

identifying a marker substance detectable in gaseous exhaled breath, and
producing a medication combined with said detectable marker substance, said medication to be taken by volitional patient action at specified times whereby subsequent analysis of the patient's breath will confirm the presence of said marker substance and thus the patient's compliance in taking said medication.

Please cancel claims 29, 30, 32-36, and 38 without prejudice.